HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 8876 OF 1992

Between:

Pasala Satyakirti

..... Petitioner

AND

Collector,
East Godavari District, Kakinada & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri C.V.V. Prasad

Counsel for the respondents : Government Pleader for Revenue

Dated: 09.11.2006

Per G.S.SINGHVI, CJ

This petition is a typical example of the frivolous

litigation which remain pending on the dockets of this Court for years together and encourages the detractors of the present judicial system to raise the cry of delays.

The petitioner, who is said to have been granted patta under the Andhra Pradesh Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969 (for short 'the Regulation') by Settlement Officer, Peddapuram vide order dated 16.12.1974, has filed this petition for issue of a direction to Collector, East Godavari Dsitrict (respondent No.1 herein) not to proceed with Appeal Nos. 12 of 1991 and 32 of 1991 filed by Project Officer, Integrated Tribal Development Agency, Rampachodavaram, East Godavari by contending that the same are time barred and there is no provision in the Regulation for condonation of delay. By way of amendment, the petitioner has also questioned the vires of Rule 21(2) of the Andhra Pradesh Muttas (Abolition and Conversion into Ryotwari) Rules, 1970 on the ground that the State does not have the power to enact such rule.

We have heard learned counsel for the parties and perused the record. At the commencement of hearing, we enquired from the learned counsel whether Appeal Nos. 12 and 32 of 1991 are still pending before respondent No.1. In reply, learned counsel for the

petitioner brought to our notice that by an interim order dated 17.07.1992, the learned Single Judge had stayed the proceedings of the appeals. The learned Government Pleader joined the counsel for the petitioner in stating that the proceedings of the appeals have remained stayed for last more than fourteen years.

In our opinion, the writ petition filed by the petitioner ought

to have been dismissed at the threshold and she should have been left free to raise all legally permissible objections to the maintainability of the appeals pending before the District Collector. If the objections of the petitioner were rejected, then she could have availed the remedies available under the Act or invoked the jurisdiction of this Court under Article 226 of the Constitution. However, the fact of the matter is that the petitioner has successfully avoided adjudication of the appeals, which, as mentioned above, have remained pending for last almost fifteen years as on today.

For the reasons stated above, we decline the petitioner's prayer for quashing the proceedings of Appeal Nos.12 and 32 of 1991 pending before District Collector, East Godavari District and dispose of the writ petition by directing him to decide the same within a period of four months from the date of receipt of copy of this order. The petitioner and respondent No.2 are directed to appear before the District Collector on December 4, 2006, who shall, after hearing the parties, decide the appeals by passing a speaking order. It will be open to the petitioner to raise all legally permissible objections to the very maintainability of the appeals preferred by respondent No.2.

As a sequel to disposal of the writ petition, WPMP.No.10971 of 1992 filed by the petitioner for interim relief is disposed of as infructuous and the interim order is vacated.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

09.11.2006

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